

REMARKS

This communication is responsive to the Office Action mailed June 30, 2005.

Claims 6-61 remain in this application. Claims 1-5 were canceled in a previous paper. Claims 6, 17, 30, 42, 48, and 54 are currently amended, as will be discussed, to incorporate the Examiner's suggestions presented in the Response to Arguments section of the Office Action. Claim 43 is previously presented.

In the Office Action, the Examiner rejected claims 6-13, 48, 52, 54, and 56 under 35 USC 102(e) as being anticipated by Ismail et al. (US 6,614,987).

Ismail discloses a system for recording TV programs for later viewing that includes a preference determination module which categorizes attribute information associated with TV programs viewed by the user to generate preference information (abstract). The attribute information consists of category-value pairs, for example, duration-120 minutes (col. 3, lines 43-65). The preference information generally consists of viewing habits, for example, the amount of time that a particular category is watched by the user (col. 4, lines 13-27). A recording manager is provided for recording TV programs based upon the preference information (col. 4, lines 28-34). The category-value pairs are used for determining which TV programs to record, and have the particular format "Category Name-Category Value" (col. 6, lines 18-34).

However, Ismail does not disclose, suggest, or teach a hierarchical data structure as claimed in claims 6, 17, 30, 42, 48, and 54. Moreover, Ismail does not provide means for handling or managing information that uses such a hierarchical structure.

In the Response to Arguments section of the Office Action, the Examiner recommended that the Applicants provide more details about the hierarchical structure in the independent

claims. The Examiner recommended that the Applicants, for example, provide details about the hierarchical structure going more than two levels deep.

In response, and consistent with the Examiner's suggestions, the Applicants have amended independent claims 6, 17, 30, 42, 48, and 54 to further distinguish over the cited prior art by claiming that the first hierarchical levels includes at least three levels with a first user attribute information of a first level associated with both a second and a third user attribute information of a second level and a fourth user attribute information of a third level associated with the second attribute information, and that the second hierarchical levels includes at least three levels with a first program attribute information of a first level associated with both a second and a third program attribute information of a second level and a fourth program attribute information of a third level associated with the second program attribute information.

By virtue of their dependency from independent claims 6, 17, 30, 42, 48, and 54, dependent claims 7-16, 18-29, 31-41, 43-47, 49-53, and 55-61 are likewise patentable over the cited prior art for at least the same reasons as their respective independent claims.

In the Office Action, the Examiner rejected various claims under 35 USC 103(a) as being unpatentable over Ismail et al. in view of various cited references. The cited references are: Nishi (US 6,681,395), Beyers, II et al. (US 5,381,477), Kumhyr et al. (US 6,421,680), Hoffman (US 6,122,657), Tanaka (US 20020178135), Tannen (US 6,240,406), Paulsen, Jr. et al. (US 6,078,917), Legall et al. (US 6,005,565), Kubota (US 6,041,323), Lin (US 6,498,783), and Leary (US 6,425,133). However, none of the cited references cure the deficiencies of Ismail. That is, none of the cited references disclose, suggest, or teach a hierarchical data structure as claimed in claims 6, 17, 30, 42, 48, and 54.

Appl. No. 09/668,777
Amdt. dated October 31, 2005
Reply to Office action of June 30, 2005

Therefore, for at least the reasons that claims 6, 17, 30, 42, 48, and 54 are patentable over Ismail, such claims are also patentable over Ismail in view of the cited references. Claims 7-16, 18-29, 31-41, 43-47, 49-53, and 55-61 depend from claims 6, 17, 30, 42, 48, and 54 and are patentable for at least the reasons asserted above.

The Applicants respectfully submit that all the pending claims should now be in a form suitable for allowance, and allowance of such claims is requested. If the Examiner for any reason believes that direct communication would advance the prosecution of this case, the Examiner is invited to contact the Applicants' counsel at the number below.

Respectfully submitted,

CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP



Kevin L. Russell
Reg. No. 38,292
Tel No.: (503) 227-5631

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail postage prepaid in an envelope addressed to: MAIL STOP Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 31, 2005.

Dated: ³¹~~October 28~~, 2005



Kevin L. Russell